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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,310	12/04/2001	Hiroshi Ishida	111364	8904

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER
ELKASSABGI, HEBA

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/000,310	ISHIDA, HIROSHI	
	Examiner	Art Unit	
	Heba Elkassabgi	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *13-14* is/are allowed.

6)☒ Claim(s) *1-6 and 10-12* is/are rejected.

7)☒ Claim(s) *7-9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 9 and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 9 discloses that the coolant tube and the damping member are formed separately, the specification does not disclose that the coolant tube and the damping member being formed separately. In claim 12 the damping member and the coolant tube are formed integrally into a single unit that has vibration damping performance and allows the coolant to flow through, the specification does not disclose that the damping member and the coolant tube are formed integrally in to a single unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2,3, 4, 5, 6,10,11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al. U.S. Patent 4739204 and further in view of Fujita et al. E.P. 000633647A1.

Kitamura et al. discloses in figure 5 a vehicle cooled generator in which a stator includes a stator core (10) with a stator coil (11) end protruding from a stator core in an axial direction, a rotor (21) that is arranged opposite of the stator core, a housing (26) supporting a stator and rotor, with a stator coolant channel (28) on an outer peripheral surface of the stator core, and the stator coolant tube (A) having a stator coolant channel flowing coolant. The stator coolant channel is formed in a flat tubular hollow. Furthermore, an additional coolant tube is separately arranged from a stator coolant channel in which the coolant flows in the stator coolant channel prior to the additional coolant tube and that the coolant tube is adjacent to the stator core in a radial direction. A thermal conductive resin (24) is between the coil end and the housing, with the additional coolant tube disposed to contact with thermal conductive resin opposite the coil end. A commutating device (16) is attached to an outer surface of the housing in the axial direction and an additional coolant tube is disposed opposite to the commutating device through the housing in the axial direction. A voltage regulator (17) attached to an n outer surface of the housing in the axial direction and an additional coolant tube disposed opposite to the voltage regulator through the housing in the axial direction. However, Kitamura et al. fails to show a stator coolant passage having a damping member in which the damping member which is around the housing and stator.

Fujita et al. discloses in Figure 1 an electric motor in which a vent passage (8) is provided on opposite side's rubber vibration damping isolators (7) and that the vibration damping isolaters when placed in the housing are contact, for the purpose of a heat resistance life of the electric motor to be prolonged.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Kitamura et al. by adding the rubber vibration damping isolators in order to prolong the life of the electric motor.

In regards to Claims 12 the damping member and the coolant tube are formed integrally into a single unit is a design consideration within the skill of the art and that the term "integral" does not require a unitary one-piece structure. *In re* Kohno, 391 F.2d 959, 157 USPQ 275; In re Larson, 340 F.2d 965, 144 USPQ 347.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 13 and 14 are allowed.

Prior art fails to show: a damping member constructed of a pair of plate-like damping members, wherein at least one the plate-like damping members have a groove on the surface thereof for the purpose of defining the stator coolant passage being bonded to each other.

Response to Arguments

Applicant's arguments filed 07/22/02 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., direct cooling of the stator core with liquid coolant) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants argument that Fujita does not disclose that the combination of references do not disclose or suggest "a stator coolant passage means provided radially inside of the housing and radially outside the stator core". The examiner disagrees with the applicant, Kitamura illustrates in Figure #5 that the inport passage is shown to be radially inside the housing and radilly outside the stator core for flowing coolant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-2723. The examiner can normally be reached on M-Th (6:30-3:30), and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Heba Y. Elkassabgi
November 12, 2002

Thomas M. Dougherty

THOMAS M. DOUGHERTY
PRIMARY EXAMINER
GROUP 2834

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